IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY, TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

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WRIT PETITION NO : 9749 of 1995

Between:

M/s Telangana Spinning & Weaving Mills Ltd. Office at Plot no.62, IInd Floor, Nagarjuna Hills, Punjagutta, Hyderabad, representation. By its Managing Director Sri R.G. Patwari

..... PETITIONER

AND

1. The Labour Court-III, Chandra Vihar, M.J. Road,

Nampally, Hyderabad Presiding Officer.

2. Mohd. Abdulla C/o P. Damodar Reddy,

3-5-868/2, Hyderguda, Himayathnagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue notice, call for records, quash and set aside the award in I.D.No. 574 of 1993, dated: 17.6.1994, published in G.O.Rt. and consequential penal action seeking implementation of the said award under Section 29 of Industrial Disputes Act.

Counsel for the Petitioner: CH. RAMESH BABU

Counsel for the Respondent No.1: Govt. Pleader for Labour

Counsel for the Respondent No.2: None appeared.

The Court made the following:

ORAL ORDER:

1. The Writ Petition is filed by the management of the M/s Telangana Spinning and Weaving Mills Limited, Hyderabad challenging the award passed by the Labour Court, Hyderabad in I.D.No. 574 of 1993, dated: 17.6.1994.

2. The termination of the 2nd respondent was challenged by raising an industrial dispute. The tribunal by an award dated: 17.6.1994 granted relief of reinstatement with continuity of service and with regard to the back wages, the tribunal left it open to the workman for filing an application before the Labour Court and in case the reinstatement is not possible, appropriate settlement could be entered. Aggrieved by the said award, the present Writ Petition has been filed by the management.

3. During the course of hearing, it is brought to the notice of this Court that the financial position of the company is not sound and placed before the B.I.F.R. Delhi and the appropriate scheme was also sanctioned. In view of this scheme, some of the employees were also paid necessary dues as per the directions in the scheme and company was closed.

4. The learned counsel for the Management, however, submits that the 2nd respondent having obtained the settlement has initiated the proceedings under the Industrial Disputes Act and in fact he is not entitled for any relief. But, however,

keeping in view the situation as referred to above, this Court suggested payment of appropriate amount in full and final payment. Accordingly, the learned counsel for the petitioner-management brought a cheque for a sum of Rs. 15,000/- drawn in favour of the workman drawn on Indian Overseas Bank, Hyderabad Branch, Sultanbazar bearing Cheque No. 334784, dated: 22.1.2005 towards the full and final settlement of the claim in respect of the services rendered by the 2nd respondent. This Court feels that the compensation is quite reasonable. Accordingly, the Writ Petition is closed with a direction that the management shall send the said cheque for a sum of Rs. 15,000/- to the workman under the Registered Post to the known address of the workman in compliance of the Orders of this Court.

5. With these directions, the Writ Petition is closed.

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G.BIKSHAPATHY, J

24-1-2005

CHV

ASSISTANT REGISTRAR

//**TRUE COPY**//

SECTION OFFICER

To

1. Presiding Officer. Labour Court-III,

Chandra Vihar, M.J. Road,

Nampally, Hyderabad

2. Govt. Pleader for Labour

3. Mr.Ch. Ramesh Babu, Advocate for Petitioner.

4. (2) C.Cs.

5. (2) CD copies.